

Attorneys for Defendants CITY OF FREMONT,
CITY OF FREMONT POLICE DEPARTMENT, DOUG LYERLA
and JEFF SWADENER (erroneously sued herein as “Sargent Swander”)

DANIEL LAVI,) Case No.: CV09-3327 PJH
)
Plaintiff,)
vs.) **[PROPOSED] ORDER CONTINUING**
) **HEARING ON DEFENDANTS' MOTION TO**
) **DISMISS AND MOTION TO STRIKE TO**
) **DECEMBER 9, 2009**
CITY OF FREMONT, FREMONT POLICE)
DEPARTMENT, DOUG LYERLA, SARGENT)
SWANDER, in his capacity as Police Officer for)
the City of Fremont, and DOES 1-100, inclusive,)
)
Defendants.)

Ms. Grey informed the court, after discussing the issue of a dismissal with prejudice of the entire action with plaintiff, that Mr. Lavi was not agreeable to this type of dismissal and therefore requested a continuance of the hearing on this matter to allow plaintiff an opportunity to retain new legal counsel. In response to this request the Court made the following Order.

- 1 1. The hearing on defendants' motions continued to December 9, 2009 at 9:00 a.m.
- 2 2. Plaintiff shall submit a substitution of counsel no later than November 4, 2009 or else
- 3 proceed pro se.
- 4 3. Any written opposition by plaintiff to the defendants' two motions shall be filed and
- 5 served by November 18, 2009.
- 6 4. Any reply by defendants shall be filed by November 25, 2009.
- 7 5. No further continuances will be granted by the court.
- 8 6. Defendants to serve by mail a copy of this Order on plaintiff pro se at his mailing address
- 9 and file proof of service with the court by e-filing.

10 IT IS SO ORDERED.

11
12 Dated: October 26, 2009

